

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA)
ex rel. BEAU MICHAUD,)
Plaintiff,)
v.)
NORTHROP GRUMMAN SYSTEMS)
CORP.,)
Defendant.)

Case No. 1:11-cv-606

ORDER

This matter came before the Court on defendant's motion for summary judgment (Doc. 170), defendant's motion to exclude plaintiff's expert witnesses (Doc. 167), and defendant's motion to strike plaintiff's corrected outline of disputed material facts (Doc. 187), all of which have been fully briefed and argued orally. As part of its submissions to the Court, plaintiff submitted a corrected outline of disputed material facts identical to its list of disputed facts set forth in its opposition memorandum to defendant's motion for summary judgment. This submission was untimely, and also did not comply with Local Rule 56(B), as well as the Magistrate Judge's scheduling order.¹

For good cause shown, and for the reasons stated from the Bench,

It is **ORDERED** that defendant's motion for summary judgment (Doc. 170) is **GRANTED**.

¹ The scheduling order states in relevant part: “A brief in opposition to a motion for summary judgment must include a separately captioned section within the brief addressing, in numbered-paragraph form corresponding to the movant’s section, *each* of the movant’s enumerated facts and indicating whether the non-movant admits or disputes the fact with appropriate citations to the record.” *United States of America ex rel. Beau Michaud v. Northrop Grumman Systems Corp., et al*, 1:11cv606 (E.D. Va. March 19, 2014) (Order) (Doc. 104) (emphasis added).

It is further **ORDERED** that defendant's motion to exclude plaintiff's expert witnesses (Doc. 167) is **DENIED AS MOOT**, as the result reached here renders it unnecessary to reach or resolve this motion.

It is further **ORDERED** that defendant's motion to strike plaintiff's corrected outline of disputed material facts (Doc. 187) is **GRANTED**, as plaintiff's corrected outline is a belated and unsuccessful effort to comply with both Local Rule 56(B) and the Magistrate Judge's scheduling order. Moreover, because plaintiff's corrected outline of disputed material facts simply repeats verbatim the facts listed in its earlier submission, plaintiff's corrected outline of disputed material facts does not alter the result reached here.

It is further **ORDERED** that the Clerk is **DIRECTED** to enter judgment in favor of defendant and against plaintiff pursuant to Rule 58, Fed. R. Civ. P.

The Clerk is directed to send a copy of this Order to all counsel of record and to place this matter among the ended causes.

Alexandria, Virginia
September 5, 2014



T. S. Ellis, III
United States District Judge